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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,852	12/16/1998	NEERAV N. DALAL	SAMS01-00063	7782

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EXAMINER
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VANDERPUYE, KENNETH N

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/212,852

Applicant(s)

DALAL, NEERAV N.

Examiner

Kenneth N Vanderpuye

Art Unit

2661

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2661

## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment to claim 1 (lines 4-5 & 9-10), claim 9 (lines 6-7 & 11-12), claim 17 (lines 6-7 & 10-11) lack support in the specification. The rejection in paragraphs 3-6 in the previous official action is hereby maintained.

### *Claim Rejections - 35 U.S.C. § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2661

4. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art(Fig. 2).

With regards to claim 1, the admitted prior art teaches an SDU comprising:

a first controller capable of performing radio dependent functions, wherein said radio dependent functions are related to a transfer of wireless traffic between said plurality of base stations and said plurality of mobile stations(Fig. 2@210); and a second controller disposed apart from said first controller and capable of performing radio independent functions(Fig. 2@144), wherein said radio independent functions are related to a transfer of at least one voice traffic between said CDMA wireless network and a wired network coupled to said CDMA wireless network.

Claim 2 is rejected because the admitted prior art teaches the apparatus in claim 1 wherein said radio dependent functions comprise selection of preferred ones of incoming wireless traffic frames received from said plurality of base stations(Fig. 2@202)

Claim 3 is rejected because the admitted prior art teaches the apparatus in claim 1, wherein said radio dependent functions comprise controlling a transmission power of a selected one of said plurality of mobile stations(Fig. 2@212)

Claim 4 is rejected because the admitted prior art teaches the apparatus in claim 1, wherein the radio independent functions comprise a decompression of voice traffic from a first bit rate to a second bit rate.(Fig. 2@208)

Claim 5 is rejected for the same reasons as claim 4.

Art Unit: 2661

Claim 7 is rejected because the admitted prior art teaches the apparatus set forth in claim 1, wherein said radio independent functions comprise a conversion of data frames received from said base stations to data packets suitable for transmission over a packet data network coupled to said CDMA wireless network(Fig. 2@220).

Claim 8 is rejected because the admitted prior art teaches the apparatus in claim 1, wherein said controller is disposed in one of said plurality of base stations(Fig. 2@144) and said second controller is disposed in a mobile switching center associated with said CDMA wireless network.(Fig. 2@210)

Claim 9 is rejected for the same reasons as claim 1 and in light of the features presented in Fig. 2.

Claims 10-13, 15 are rejected for the same reasons as claims 2-5, 7.

Claim 16 is rejected because the admitted prior art teaches the use of signaling traffic comprising user generated commands received from a selected one of said plurality of mobile stations.(inherently taught)

Claims 17-20 are rejected for the same reasons as claims 1, 2, 7 because the method steps presented are achievable by apparatus claimed.

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2661

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lu et al(5,887,256).

With regards to claims 6, 14, 19 the admitted prior art fails to teach the a transcoder in the MSC. This is taught by Lu et al(Fig. 2, col. 7 lines 59-62). It would have been obvious to one of ordinary skill in the art to combine Lu with the admitted prior art for the purpose of transcoding circuit data from a first rate to a second rate. The motivation being to make it possible to communicate data over a cellular network .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reached on (703) -872-9314. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.


### ***Conclusion***


7. This is a CPA of applicant's earlier Application No. 09/212,852. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the

Art Unit: 2661

grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

  
DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

  
Kenneth Vanderpuye

April 5, 2002